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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION**

IN RE TACO BELL WAGE AND HOUR ACTIONS	) ) ) ) ) ) ) ) ) )	Master File: 1:07-cv-01314-OWW-DLB  <b>JOINT STIPULATION AND ORDER TO                  CONTINUE DEADLINE WHETHER                  YUM! BRANDS, INC. IS A PROPER                  PARTY DEFENDANT</b>
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13 and Yum! Brands, Inc.

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1 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs and Defendants  
2 that, pending approval by the Court, the deadline for Defendant Yum! Brands, Inc. (“Yum”) to file  
3 its summary judgment motion is hereby continued by 30 days to March 31, 2010, as set forth  
4 below:

5 This stipulation is based on the following facts:

6 1. Pursuant to the Court’s October 21, 2009 Order Continuing Deadlines Re Whether  
7 Yum! Brands, Inc. is a Proper Party Defendant, the deadline for Defendants to file any dispositive  
8 motion on that issue was extended from November 30, 2009 to January 29, 2010 due to the  
9 consolidation of a related action, *Endang Widjaja v. Yum! Brands, Inc., et al.*, Case No. 1:09-cv-  
10 1074-OWW-DLB.

11 2. On January 20, 2010, the parties filed a joint stipulation to further continue the  
12 deadline for Defendant to file any dispositive motion of whether Yum is a proper party defendant  
13 on the premise that the parties believed they could resolve informally the issue by stipulation and  
14 without the need for motion practice. Consequently, on January 22, 2010, the Court entered an  
15 Order further continuing the deadline for Defendants to file any dispositive motion on that issue  
16 from January 29, 2010 to March 1, 2010.

17 3. To date, the parties are continuing to meet and confer in good faith on a stipulation  
18 that would resolve informally Yum’s involvement in this action.

19 4. Such stipulation resolving Yum’s involvement in this action is likely to eliminate  
20 the need to file a dispositive motion.

21 5. The deadline for Defendants to file a dispositive motion on the issue is rapidly  
22 approaching.

23 6. The filing of a dispositive motion by Defendants may moot or otherwise harm the  
24 parties’ attempt to resolve the issue by stipulation.

25 7. The parties have met and conferred and have agreed that more time is needed to  
26 work out the details of a stipulation. The parties agree that a continuance of 30 days, from March  
27 1, 2010 to March 31, 2010, of Defendants’ deadline to file a dispositive motion on this issue is  
28 sufficient for this purpose.

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8. The agreed upon continuance shall not affect any other deadlines.

Accordingly, the parties hereby apply to the Court for an order continuing the deadline for Defendants to file a dispositive motion as to whether Yum is a proper party defendant by 30 days to March 31, 2010.

Dated: February \_\_\_, 2010

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By: \_\_\_\_\_  
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David Cheng  
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Interim Lead Counsel for Plaintiffs

Dated: February \_\_\_, 2010

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**ORDER**

The Court has read and considered the Joint Stipulation To Continue Deadline Whether Yum! Brands, Inc. Is A Proper Party Defendant.

Good cause appearing pursuant to Rule 16(b)(4), IT IS ORDERED that the deadline for Defendants to file any dispositive motion on the issue of whether Yum! Brands, Inc. is a proper party defendant be continued by 30 days, from March 1, 2010, to March 31, 2010; and that the filing and hearing schedule for such motion shall be in accordance with the Local Rules for the Eastern District of California.

**IT IS SO ORDERED.**

**Dated: February 23, 2010**

**/s/ Oliver W. Wanger**  
**UNITED STATES DISTRICT JUDGE**